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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/690,818

10/23/2003

Patrick J. Link

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5437

27562

7590

08/22/2011

NIXON & VANDERHYE, P.C.

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EXAMINER

DUFFY, DAVID W

ART UNIT

PAPER NUMBER

3716

MAIL DATE

DELIVERY MODE

08/22/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/690,818	LINK, PATRICK J.	
	Examiner	Art Unit	
	DAVID DUFFY	3716	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 July 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 6,17-25,27-36 and 38-44 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 6,17-25,27-36 and 38-44 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Status of Claims

1. This office action is in response to the amendment filed 07/18/2011 in which applicant amends claim 6 and cancels claims 14, 26, 37 and 45-58. Claims 6, 17-25, 27-36 are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on 07/18/2011 has been entered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 6, 17-25, 27-36 and 38-44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to

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make and/or use the invention. Claim 6 recites the limitation “and duplicates at least a portion of said allocated emulated ROM pages across said ROM pages to facilitate page selection and reduce page swapping”. Examiner is unable to find support for this limitation in the specification as filed. Pars 83, 89 and 105 of the specification (148, 155 and 199 of the printed publication) describe the process intended by the limitation. In the specification it is a portion of the game ROM that is copied to correspond with the game ROM pages copied into the emulated ROM. The emulated ROM is not copied across itself. See associated discussion from the 112 second paragraph rejection below.

5. Claim 6 also recites the limitation, “wherein the method further comprises using said pointer table system to control memory access by remapping memory access instructions into function calls.” The specification describes in par 104 (pub 198) that it is the native instruction memory accesses that are remapped by the pointer table. The wording of the claim is broader and may include memory access by the emulating system which is not described as to how it would operate. Accordingly, the specification as filed does not fully support the claim. See associated discussion from the 112 second paragraph rejection below.

6. Claims 17-25, 27-36 and 38-44 inherit these deficiencies by nature of their dependency.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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8. Claims 6, 17-25, 27-36 and 38-44 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. Claim 6 recites the limitation “and duplicates at least a portion of said allocated emulated ROME pages across said ROM pages to facilitate page selection and reduce page swapping”. First, it is unclear to which ROM pages the “said ROM pages” refers as the claim includes “said video game software image comprises multiple ROM pages” and “allocated emulated ROM pages”. If the first reference is used, then data is copied to a ROM which is counter to the entire understanding of a ROM as it is read only and incapable of being written to. If the second reference is used it is unclear from the specification what operation is happening as it is a portion of the game software ROM page that is copied to correspond with the paged section of the video game ROM page in the emulated ROM and not the emulated ROM pages copied to the emulated ROM pages. Applicant is requested to clarify the limitation so that it is in line with the disclosure in paragraphs 83, 89 and 105 of the specification.

10. Claim 6 also recites the limitation, “wherein the method further comprises using said pointer table system to control memory access by remapping memory access instructions into function calls.” It is unclear what memory access instructions are being rerouted as both the emulating system and the emulated system would have memory access instructions. For clarity, it is recommended that application amend the claim to clearly state the memory access instructions are “native instruction memory accesses” in line with specification paragraph 104 (publication par 198).

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11. Claims 17-25, 27-36 and 38-44 inherit these deficiencies by nature of their dependency.

12. Claim 38 includes the limitation “using said ROM pages to emulate read only memory arrays within a ROM-based pluggable game cartridge.” Similar to the rejection of claim 6 above, it is unclear if the video game software ROM pages are intended or the emulated ROM pages. The former is the literal reference, but does not make sense in the context of the claim as it is unclear how a video game ROM would be used to emulate its own memory array as it cannot be written to and the latter does not clearly have a reference but makes more sense in the context of the claim.

Response to Arguments

13. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

14. Applicant has requested Examiner contact in the event of outstanding matters that need to be resolved. Examiner has attempted on two separate occasions to resolve the above issues with applicant with no substantive reply.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID DUFFY whose telephone number is (571)272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3716

/D. D./
Examiner, Art Unit 3716